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09/281,396	03/30/1999	DALE T. PELLETIER	10569/002001	7183

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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10/20/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/281,396	Applicant(s) PELLETIER, DALE T.	
	Examiner SIMON SING	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 13, 14, 18-22 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 14, 18-22 and 24-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7, 13, 14, 18-22, 24 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent Publication No. 5-22428 in view of Numakura Japanese Patent No. 61-184031 and further in view of Fachalos US 4,351,986 and further in view of Welch US 5,938,772.

1.1 Regarding claims 1 and 18, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

a housing (a multifunction telephone set inherently has a housing);

a dialing interface (such as a PC board with electronic circuits) mounted in the housing for communicating with an interface 9 in PBX 7 (para. 0015);

a transceiver (by inherency, e.g. a telephone is able to transmit and receive voice signals) for communicating with PBX 7;

a voice message alert and retrieval device, comprising a message retrieval key 4, and a message indicator 3 associated with the message retrieval key 4, the

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messaging indicator 3 is activated by a voice messaging system (call management interface) in PBX 7 when a voice message for the multifunction telephone 1 is received, and when a user of multifunction telephone 1 presses the message retrieval key 4, the voice message is played to the user (para. 0014 - 0016);

a transmitter (handset microphone and its amplifier) attached to the housing and electrically connected to the transceiver;

a receiver (handset earpiece/speaker) attached to the housing and electrically connected to the transceiver, wherein, the voice message is played to the user through the receiver/speaker (para. 0015, 0016); and

wherein, the spacing between message retrieval key 4 and a function key 6 is different than the spacing between two function keys 6 (figure 1).

Sakayori teaches a multifunction telephone but fails to explicitly teach that the multifunction telephone has a plurality of dialing keys apart from the message retrieval key 4, and the message retrieval key 4 is larger than the dialing keys.

However, Numakura discloses a message retrieving system in figure 1 in that multifunction telephones 6-8 are connected to a switching system comprising line circuits 2 and 3, memory devices 4 and 5, and a central processing unit 1. A multifunction telephone set is shown in figure 2. The multifunction telephone comprises a housing, a plurality of dialing keys 15 (page 5, first paragraph), and a message alert and retrieval device 14 with a lamp (page 5, first paragraph), whereas the message alert and retrieval device 14 is larger than the dialing keys. The multifunction telephone is connected to a switching system comprising a central processing unit 1, control devices

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2 and 3, and memories 4 and 5 (page 4, last paragraph), and when a caller initiates a call and the called party's telephone is not answered, the caller leaves a message comprising his telephone number and the time of the call to the memory 5 associated with the called party by the central processing unit 1. The switching system sends a signal to light up the lamp (page 6, second paragraph), indicating that a message has arrived. The called party then presses the message button 14, and the message is displayed (page 6, third paragraph).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teaching of Numaakura, so that the multifunction telephone 1 would have comprised a plurality of dialing keys, and the message retrieval key 4 would have been larger than the dialing keys. The motivation for such a modification was to clarify how the multifunction telephone 1 was able to make outgoing calls, and to make the message retrieval key 4 larger for distinguishing it from the dialing keys (Examiner's note: choosing a different size of a key without changing functionality obviously would have been a design choice. See MPEP 2144.04 section IV, paragraph A, and MPEP 4144.06).

The Sakayori reference modified by Numakura fails to teach that the message indicator 3 is located underneath the associated message retrieval key 4.

However, Fechalos discloses a telephone (figure 2) with a plurality of function keys (push button switches) 1-8 with associated indicators LED 1 to LED 8 apart from a plurality of dialing keys 15. Fechalos teaches that instead of placing an indicator next to

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its associated key, the indicator may also be optionally placed beneath its associated translucent key (column 10, lines 36-49).

Furthermore, Welch discloses a computer telephony device with telephony function (column 3, lines 61-65; column 8, lines 27-35) and answering machine function (Abstract; column 5, lines 44-46) in figures 1-3. Welch also discloses a message button 280 (figure 2; column 5, lines 44-46) with a built-in lamp (figure 3; column 5, lines 47-49, 60-64). If there is a telephone message left by a caller, the built-in lamp lights up, then when the message button 280 is pressed, the telephone message is played to a user (column 12, lines 8-10, 20-25 and 32-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference with the teachings of Fechalos and Welch, so that the message indicator 3 would have been placed underneath a translucent (visually distinct) message retrieval key, because placing an indicator underneath a key (Welch) or next to a key (Sakayori) would have been a design choice as taught by Fechalos.

1.2 Regarding claim 2-4, Sakayori teaches pressing a message retrieval key 4 to retrieve voice messages from PBX 7, but fails to teach that when being pressed, the message key 4 generates a series of predetermined dialing digits.

However, Fechalos further teaches that pressing one of the function keys SW1 – SW 11 generates a series of predetermined digits, including speed dialing (column 7, lines 1-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference with the teachings of Fechalos, so that press the lighted message retrieval key 4 would have generates a predetermined series dialing digits, such the extension number of the voice messaging system. The motivation for this modification was to clarify how the Sakayori's reference was able to access the voice messaging system, such as to program the message key 4 as a speed dialing key.

1.3 Regarding claim 5, Fechalos further teaches that a multifunction telephone comprises a speaker 112 under opening 19 (figures 2 and 4B; column 5, lines 33-47).

1.4 Regarding claim 6, the dialing keys of the modified multifunction telephone 1 are push buttons which obviously produce DTMF.

1.5 Regarding claim 7, Sakayori teaches connecting multifunction telephone 1 to interface 9 of PBX 7 by a telephone line 14 (figure 1).

1.6 Regarding claim 13, the modified Sakayori reference, the message indicator obviously can be a LED (Fechalos, column 10, lines 36-49).

1.7 Regarding claim 14, as discussed in claim 1, the messaging indicator 3 of the modified Sakayori reference is located directly beneath the message retrieval key 4.

1.8 Regarding claims 19 and 20, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

a housing (a multifunction telephone set inherently has a housing);

a voice message alert and retrieval device, comprising a message retrieval key 4, and a message indicator 3 associated with the message retrieval key 4, the messaging indicator 3 is activated by a voice messaging system in PBX 7 when a voice message for the multifunction telephone 1 is received, and when a user of multifunction telephone 1 presses the message retrieval key 4, the voice message is played to the user (para. 0014 - 0016); and

a receiver (handset earpiece/speaker) connected to the housing, wherein, the voice message is played to a user through the receiver/speaker (para. 0015, 0016);

Sakayori teaches a multifunction telephone but fails to explicitly teach that the multifunction telephone has a plurality of dialing keys apart from the message retrieval key 4, and the message retrieval key 4 is larger than the dialing keys.

However, , Numakura discloses a message retrieving system in figure 1 in that multifunction telephones 6-8 are connected to a switching system comprising line circuits 2 and 3, memory devices 4 and 5, and a central processing unit 1. A multifunction telephone set is shown in figure 2. The multifunction telephone comprises a housing, a plurality of dialing keys 15 (page 5, first paragraph), and a message alert and retrieval device 14 with a lamp (page 5, first paragraph), whereas the message alert and retrieval device 14 is larger than the dialing keys. The multifunction telephone is

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connected to a switching system comprising a central processing unit 1, control devices 2 and 3, and memories 4 and 5 (page 4, last paragraph), and when a caller initiates a call and the called party's telephone is not answered, the caller leaves a message comprising his telephone number and the time of the call to the memory 5 associated with the called party by the central processing unit 1. The switching system sends a signal to light up the lamp (page 6, second paragraph), indicating that a message has arrived. The called party then presses the message button 14, and the message is displayed (page 6, third paragraph).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teaching of Numaakura, so that the multifunction telephone 1 would have comprised a plurality of dialing keys, and the message retrieval key 4 would have been larger than the dialing keys. The motivation for such a modification was to clarify how the multifunction telephone 1 was able to make outgoing calls, and to make the message retrieval key 4 larger for distinguishing it from the dialing keys (Examiner's note: choosing a different size of a key without changing its functionality obviously would have been a design choice. See MPEP 2144.04 section IV, paragraph A, and MPEP 4144.06).

The Sakayori reference modified by Numakura fails to teach that the message indicator 3 is located underneath the associated message retrieval key 4.

However, Fechalos discloses a telephone in figure 2 with a plurality of function keys (push button switches) 1-8 with associated indicators LED 1 to LED 8 apart from a plurality of dialing keys 15. Fechalos teaches that instead of placing an indicator next to

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its associated key, the indicator may also be optionally placed beneath its associated translucent key (column 10, lines 36-49).

Furthermore, Welch discloses a computer telephony device with telephony function (column 3, lines 61-65; column 8, lines 27-35) and answering machine function (Abstract; column 5, lines 44-46) in figures 1-3. Welch also discloses a message button 280 (figure 2; column 5, lines 44-46) with a built-in lamp (figure 3; column 5, lines 47-49, 60-64). If there is a telephone message left by a caller, the built-in lamp lights up, then when the message button 280 is pressed, the telephone message is played to a user (column 12, lines 8-10, 20-25 and 32-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference with the teachings of Fechalos and Welch, so that the message indicator 3 would have been placed underneath a translucent (visually distinct) message retrieval key which would have a different shape (round, Welch) than the dialing keys (square or rectangular, Numakura), because placing an indicator underneath a key (Welch) or next to a key (Sakayori) would have been a design choice as taught by Fechalos (Examiner's note: choosing a different shape of a key without changing its functionality obviously would have been a design choice. See MPEP 2144.04 section IV, paragraph B, and MPEP 4144.06).

1.9 Regarding claim 21, as discussed above, the message retrieval key can be shaped (rounded, Welch) differently than other keys (square or rectangular).

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1.10 Regarding claim 22, Sakayori teaches that the spacing between message retrieval key 4 and a function key 6 is different that the spacing between two function keys 6 (figure 1).

1.11 Regarding claim 24, Sakayori teaches a PBX based voice messaging system (para. 0014 and 0015).

1.12 Regarding claim 27, as discussed in claim 1, the message key of the modified Sakayori reference comprises a translucent material.

1.13 Regarding claim 28, the modified Sakayori reference, the modified message retrieval key 4 inherently has a downward surface, such as its side surface, and the light from indicator 3 located underneath is passing though the downward surface (Examiner's note: choosing a different shape of a key without changing its functionality obviously would have been a design choice. See MPEP 2144.04 section IV, paragraph B, and MPEP 4144.06).

1.14 Regarding claim 29, the modified Sakayori reference, Fachalos teaches an indicator can be from any light source, including LED (column 10, lines 36-43).

1.15 Regarding claim 30, Sakayori teaches lighting up the message lamp when a voice message is recorded (para. 0014).

1.16 Regarding claim 31, as discussed in claim 20, the message key comprises a translucent material.

1.17 Regarding claim 32, the modified Sakayori reference, the modified message retrieval key 4 inherently has a downward surface, such as its side surface, and the light from indicator 3 located underneath is passing through the downward surface (Examiner's note: choosing a different shape of a key without changing its functionality would have been a design choice. See MPEP 2144.04 section IV, paragraph B, and MPEP 4144.06).

1.18 Regarding claim 33, the modified Sakayori reference, Fachalos teaches an indicator can be from any light source, including LED (column 10, lines 36-43).

1.19 Regarding claim 34, Sakayori teaches a plurality of function keys 6 in figure 1.

2. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welch US 5,938,772 in view of Do US 6,417,869.

Welch discloses a computer telephony device with telephony function (column 3, lines 61-65; column 8, lines 27-35) and answering machine function (Abstract; column 5, lines 44-46) in figures 1-3. Welch also discloses a message button (first key) 280

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(figure 2; column 5, lines 44-46) with a built-in lamp (figure 3; column 5, lines 47-49, 60-64). If there is a telephone message left by a caller, the built-in lamp lights up, then when the message button 280 is pressed, the telephone message is played to a user (column 12, lines 8-10, 20-25 and 32-34). Welch teaches that the message button 280 is visually distinct from its adjacent buttons (figure 2) and is shaped differently than the keys on a keyboard (figures 1 and 3).

Welch teaches a computer with telephony function, but fails to teach the keyboard 180 has a plurality of dialing keys.

However, Do teaches a computer PC4 (figures 1 and 2) with telephony functions (column 5, lines 46-64) for receiving a call, and making an outgoing call using a keyboard as telephone keypad (column 7, lines 37-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Welch reference so that keyboard 180 (figure 1) would have been used as dialing keys, because such modification would have clarify how a user of computer 100 was able to make outgoing calls (Examiner's note: choosing a different size of a key without changing its functionality obviously would have been a design choice. See MPEP 2144.04 section IV, paragraph A, and MPEP 4144.06).

3. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent Publication No. 5-22428 in view of Numakura

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Japanese Patent No. 61-184031 and further in view of Fachalos US 4,351,986 and further in view of Welch US 5,938,772 and further in view of Corwith US 5,612,995.

3.1 Regarding claim 25, the modified Sakayori reference, teaches mounting the message waiting indicator 3 underneath the message retrieval key 4, but fails to teach that the indicator is powered by a telephone line.

However, Corwith discloses a message waiting lamp 161 in figure 2. Corwith teaches that lamp 161 is powered by a telephone line (column 1, lines 38-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference with the teaching of Corwith so that the message indicator 3 would have been powered by a telephone line, because such a modification would have clarified where the message indicator 3 received its power source.

3.2 Regarding claim 26, Sakayori teaches a message indicator 3, which indicates a missed call forwarded to a voice messaging system (para. 0014).

Response to Arguments

4. Applicant's arguments with respect to claims 1-7, 13, 14, 18-22 and 24-34 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Simon Sing/

Examiner, Art 2614

10/10/2007